

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Mark Burton Neumeyer

Case No. 1:23-mj-30078

Judge: Morris, Patricia T.

Filed: 02-22-2023

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of On or about 9/21/2022 to 1/12/2023 in the county of Saginaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 18, U.S.C. §§ 2252A(a)(2) and (b)(1);

Receipt of child pornography, and attempted receipt of child pornography;

Title 18, U.S.C. § 2252A(a)(5)

Possession of and access with intent to view child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 22, 2023

City and state: Bay City, Michigan



Complainant's signature

Joseph Zutz, Special Agent - HSI

Printed name and title



Judge's signature

Patricia T. Morris, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Joseph Zutz, being first duly sworn, state as follows:

INTRODUCTION

1. I am employed as a special agent (“SA”) with Homeland Security Investigations (“HSI”). Since March 2021, I have been assigned to investigate cases involving child exploitation. I have prior law enforcement experience as a special agent for five years with U.S. Secret Service where I investigated cyber and financial crimes. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including digital media. I have gained experience through attendance at the HSI Special Agent Training Academy, advanced training through ICAC, and everyday work related to conducting these types of investigations. I have received training and currently perform duties to conduct digital forensics for discovery of evidence contained in electronic devices. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Mark Burton Neumeyer** for violations of Title 18,

United States Code, Sections 2252A(a)(2) and (b)(1) (receipt of child pornography, and attempted receipt of child pornography) and 2252A(a)(5) (possession of and access with intent to view child pornography).

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for **Mark Burton Neumeyer**.

4. Pursuant to the provisions of Title 18, United States Code, section 2256, “child pornography,” as used in this affidavit, includes any visual depiction, including any photograph, film, video, picture, or computer-generated image or picture of sexually explicit conduct where the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct.

PROBABLE CAUSE

5. On or about November 10, 2022, law enforcement executed a search warrant relating to a child pornography investigation at a residence in Oklahoma associated with an identified individual, hereinafter referred to as “Subject-1.” During a review of Subject-1’s cell phone, law enforcement observed a text message conversation between Subject-1 and the phone number XXX-XXX-3483, that took place on or about September 21, 2022. The phone number ending in 3483 was subsequently determined to be used by Neumeyer, as described further below.

6. During the conversation, Subject-1 and Neumeyer discussed the sexual exploitation of a child. Neumeyer stated that he was “playing with” a relative who was a 9-year-old female minor, and he described an incident where he watched another adult male engage in sexual activity with the minor. Neumeyer described that the minor “was standing there in her pajama pants he pulled them off her down to her Disney underwear later on her back with her legs spread open he started off with one finger before I new it he had 2 in her.” Subject-1 asked whether the minor was crying or moaning, and Neumeyer stated, “Started to cry he was rough,” and later added, “She was squirming because he was stretching her.” In response to Subject-1’s questions, Neumeyer indicated that he was watching the abuse and masturbating.

7. Also, during the conversation, Subject-1 sent four videos of child pornography to Neumeyer. These videos are described as follows:

- Video 1 (1 minute and 50 seconds): An adult male is naked sitting on the end of a bed with legs spread and an erect penis. A pubescent minor female is naked and sitting on top of the adult male with legs spread to expose the genital area. The adult man uses his hands to insert his erect penis into the minor female's vagina. The adult male then thrusts his hips up and down.
- Video 2 (17 seconds): A pubescent minor female is naked and using the camera to focus on her genital area. The minor female is using her hands to manipulate her vagina and anus.
- Video 3 (10 seconds): A pubescent minor female is laying down with no clothing from the waist down. The minor female is using the camera to focus on her genital area. The minor female uses her hands to manipulate her vagina.
- Video 4 (26 seconds): Throughout the video, the text "telegram: @cp2334" is displayed in the top left corner of the video. A pre-pubescent minor female is laying down with legs spread and to expose the genital area. A male penis is inserted into the minor female's anus. The scene changes to a hand being used to open the minor female's anus and a male penis being rubbed on the minor female's vagina.

8. On January 12, 2023, HSI Detroit executed a federal search warrant in the Eastern District of Michigan for Neumeyer and located his cellphone on his person. Neumeyer provided the passcode for the cellphone and confirmed to agents that he was the owner of the device. Law enforcement did not identify a 9-year-old female who was related to Neumeyer in the manner set forth in the chat described above.

9. Law enforcement conducted a forensic examination of the cellphone located on Neumeyer's person. The phone number associated with the cell phone was XXX-XXX-3484, which was the same phone number that was used in the text conversation described above. The Google account associated with the phone included the name Mark Neumeyer in the email address.

10. A review of media files on Neumeyer's cellphone found approximately 23 visually unique images that appear to meet the federal definition of child pornography, as well as additional files that appeared visually to be duplicates of other files. Some of the child pornography images were cache images found in file locations on the cellphone relating to photos and messaging. Based on my training and experience, I understand that cellphones can create cache images of files, such as photographs or videos that are viewed, accessed, or stored on a phone. Creating a cache image can allow the phone to more quickly access the underlying file in the future. I also understand that cellphones can create thumbnail images of files, such as photographs or videos that are viewed, accessed, or stored on a phone. These thumbnail images are often a smaller-sized image of the underlying file (or in the case of videos, of a frame from the underlying file). A cellphone may create thumbnail images of media files in a phone's photos and messaging application, for instance, which can then allow a phone user to more quickly scroll through and access files in that application.

11. Described below are examples of apparent child pornography located on the cellphone in cache locations:

- Messaging: A thumbnail image from Video 4, described above. The image shows a hand spreading open what appears to be a minor females anus. The associated date for the thumbnail image was September 22, 2022.
- Photos: An image of a minor pre-pubescent female who is laying on a bed unclothed from the waist down. The minor female has spread her legs to expose the genital area and inserted her right index finger into her anus. The associated date for the thumbnail image was November 13, 2022.

12. Another image of apparent child pornography was located in the download folder of the phone's photo library, and is described as follows:

- Image: [redacted]162.jpeg: A prepubescent female is laying down on her back with her shirt pulled up above her stomach and diapers pulled down onto her thighs. Her bare genital area is visible from the front. The associated date for the image was January 11, 2023.

13. During a review of websites visited by Neumeyer on his cellphone, I observed that Neumeyer visited a web address associated with a cloud-storage service ("Cloud A"), which is known to law enforcement. Based on my training and experience, I know that an individual can create an account on Cloud A, upload files to Cloud A, create links to those files or groups of files, and share those links with others. Others can then follow the link to access the files associated with that link. On or about December 5 and December 7, 2022, the cell phone web history shows that Neumeyer accessed a specific file, "003[redacted].mp4," that was associated

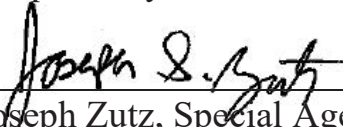
with a link location on Cloud A. Law enforcement obtained from Cloud A the content of the files associated with the link location. I reviewed the content and found it to contain approximately 203 videos that depict child pornography. Additionally, the file called “003[redacted].mp4,” was found in the folder and is described as follows:

- A ten minute and one second (10:01) video that depicts a minor pre-pubescent female who is laying on a bed with genital area unclothed and legs spread. An adult female hand is observed inserting a dildo into the minor female’s vagina and anus.

CONCLUSION

14. Your Affiant respectfully submits that there is probable cause to believe that **Mark Burton Neumeyer** violated Title 18, United States Code, Sections 2252A(a)(2) and (b)(1) (receipt of child pornography, and attempted receipt of child pornography), and 2252A(a)(5) (possession of and access with intent to view child pornography). Wherefore by this affidavit and application, I request that the Court authorize the issuance of a criminal complaint and arrest warrant for **Mark Burton Neumeyer**.

Respectfully submitted,



Joseph Zutz, Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to before me and/or by reliable electronic
means on February 22, 2023.



PATRICIA T. MORRIS
UNITED STATES MAGISTRATE JUDGE